

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GARY LABARBERA and FRANK FINKEL,
Trustees of Local 282 International
Brotherhood of Teamsters Welfare,
Pension, Annuity, Job Training and
Vacation Sick Leave Trust Funds,

Plaintiffs,

-against-

MODERN CONTINENTAL
CONSTRUCTION CO., INC.,

Defendant.
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ORDER

07 CV 2051 (ENV)(RML)

VITALIANO, D.J.

On March 19, 2008, Magistrate Judge Robert M. Levy issued a Report and Recommendation that a judgment of \$68,610.86 plus appropriate interest be entered for plaintiffs Gary LaBarbera and Frank Finkel, Trustees of Local 282 International Brotherhood of Teamsters Welfare, Pension, Annuity, Job Training and Vacation Sick Leave Trust Funds against defendant Modern Continental Construction Co., Inc. Magistrate Judge Levy also recommended that plaintiffs be granted leave to file the remittance reports necessary to review their calculations for October and December 2006 and March and April 2007 within 30 days. No objections to Magistrate Judge Levy's Report and Recommendation have been timely filed.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge."

28 U.S.C. § 636(b)(1)(C). Moreover, in order to accept a magistrate judge's report and recommendation where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F.Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985)).

Magistrate Judge Levy's Report and Recommendation is comprehensive and well reasoned. Because this Court, after careful review, finds no clear error in it, the Court adopts his Report and Recommendation in its entirety as the opinion of the Court. Accordingly, it is ordered that Judgment of \$68,610.86 plus interest on \$34,398.24 in unpaid contributions be entered by the Clerk for plaintiffs against defendant. Plaintiffs are granted leave to file the remittance reports necessary to review their calculations for October and December 2006 and for March and April 2007 within 30 days.

The Clerk is also directed to close this case administratively.

SO ORDERED.

Dated: Brooklyn, New York
April 30, 2008

s/ENV

ERIC N. VITALIANO
United States District Judge